

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

AMERICAN CLOTHING EXPRESS, INC.,  
D/B/A ALLURE BRIDALS AND JUSTIN  
ALEXANDER, INC.,

Plaintiffs,

v.

CLOUDFLARE, INC. and DOES 1 - 200,  
inclusive,

Defendants.

CLOUDFLARE, INC.

Counterclaimant,

v.

AMERICAN CLOTHING EXPRESS, INC.,  
D/B/A ALLURE BRIDALS AND JUSTIN  
ALEXANDER, INC.,

Counterdefendants.

**Case No. 2:20-cv-02007-SHM-dkv**

**CLOUDFLARE’S UNOPPOSED MOTION  
FOR LEAVE TO FILE AMENDED  
COUNTERCLAIMS AND ANSWER**

**CLOUDFLARE’S UNOPPOSED MOTION FOR LEAVE  
TO FILE AMENDED COUNTERCLAIMS AND ANSWER**

Defendant/Counterclaimant, Cloudflare, Inc. (“Cloudflare”), respectfully moves the Court for leave to file the Amended Counterclaims and Answer in the form attached as **Exhibit A** hereto. Cloudflare is authorized to state that Plaintiffs do not oppose the filing of its Amended Counterclaims and Answer.

The procedural background for this Unopposed Motion is as follows. In response to Plaintiffs’ Complaint [Dkt. 1], Defendant Cloudflare (the only defendant served in the case to

date) filed its original Counterclaims and Answer. [Dkt. 21.] Plaintiffs moved to dismiss the Counterclaims. [Dkt. 28.] Cloudflare filed its Amended Counterclaims. [Dkt. 31.]

In communications with Cloudflare's counsel, Plaintiffs' counsel have taken the position that Cloudflare's Amended Counterclaims [Dkt. 31] may not be independently filed without an Answer, and should be treated as a nullity. Cloudflare's counsel disagrees. However, rather than engage in a motion practice regarding this issue, these Parties have agreed that Cloudflare may file its Amended Counterclaims and Answer (attached hereto as **Exhibit A**) to deal with any procedural deficiency asserted by the Plaintiffs.

Accordingly, Cloudflare respectfully asks that the Court grant this Unopposed Motion and authorize Cloudflare to file its Amended Counterclaims and Answer.

Dated: June 26, 2020

Respectfully submitted,

By: /s/ Andrew P. Bridges

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Attorneys for Defendant Cloudflare, Inc.

### **CERTIFICATE OF CONSULTATION**

I hereby certify that on June 25, 2020, the undersigned counsel conferred via telephone with Plaintiffs' counsel regarding this Motion, and Plaintiffs' counsel advised Cloudflare's counsel that they do not oppose the relief sought in this motion.

/s/ Andrew P. Bridges  
Andrew P. Bridges

### **CERTIFICATE OF SERVICE**

I am counsel of record for defendant Cloudflare, Inc. and certify that on June 26, 2020, a copy of the foregoing **Cloudflare's Unopposed Motion for Leave to File Amended Counterclaims and Answer** was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

/s/ Andrew P. Bridges  
Andrew P. Bridges